

24. (Amended) The composition of claim 15, which comprises isoprene glycol, sodium behenate, and water, and further comprising a carbohydrate-based surfactant.

REMARKS

I. The Examiner's §112 Rejections

The Examiner alleges that Claims 1, 15, and 16 are indefinite because the term "derivatives" contained therein is unclear as to what derivatives of cholesterol and phytosterols are intended and as neither the specification nor the claims provides an exclusive definition of the specific derivatives. However, §112, second paragraph does not require an exclusive definition, rather the claims when read in light of the specification must reasonably convey to one skilled in the art the scope of the invention using language as precise as permitted by the subject matter. In addition to there being no specific provision in the patent laws or regulations for an exclusive definition, the Examiner has not provided a citation for such an exclusive definition. Applicants, in applying the standards of §112, assert that the cholesterol and phytosterol derivatives encompassed by the present invention are sufficiently described in the present specification because the term "derivative" is one, in the context of cholesterol and phytosterol, that one of ordinary skill in the art would understand. Applicants attach herewith copies of examples of claims using the term "derivative" in the context of cholesterol as one of ordinary skill in the art would understand its use. See U.S. Patent No. 5,976,516; 5,942,213, 5,616,359. A skilled artisan understands the meaning of a cholesterol or phytosterol derivative and can determine which if any substituents are appropriate for a cholesterol or phytosterol. It is not necessary for a description in a specification to describe that which one of ordinary skill in the art would know and understand. A specification is directed to those skilled in the art and need not teach or point out in detail that which is well-known in the art. *In re Myers*, 161 USPQ 668, 671 (CCPA 1969)(citing *In re Nelson*, 47 CCPA 1031, 280 F.2d 172, 126 USPQ 242 (1960)).

The Examiner has raised an objection to Claims 4, 7, and 24 because they lack antecedent basis. Claims 4 and 24 have been amended to indicate that the composition further comprises a carbohydrate-based surfactant/emulsifier. Therefore, the claims are not indefinite. Claim 7, however, correctly introduces a new element to the claim in that it states that the composition further comprises a surfactant/emulsifier that is carbohydrate-based. In other words, Claim 7 introduces the additional carbohydrate-based surfactant/emulsifier. Claims 8 and 21 are found by the Examiner to be indefinite because they contain an improper Markush grouping. In particular, the Examiner suggests that deletion of the phrase "in place of PPG-20 methyl glucose ether" would overcome this rejection. Claims 8 and 21 have been amended to remove the phrase "in place of" in the claim as suggested by the Examiner and to